

**House File 406 - Introduced**

HOUSE FILE 406

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 239)

**A BILL FOR**

1 An Act concerning the types of motor vehicle speeding  
2 violations to be considered for purposes related to driver's  
3 license sanctions and motor vehicle insurance policies and  
4 including applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.210, subsection 2, paragraph d, Code  
2 2011, is amended to read as follows:

3 d. The first two speeding violations within any twelve-month  
4 period of ten miles per hour or less over the legal speed limit  
5 in speed zones having a legal speed limit between thirty-four  
6 miles per hour and ~~fifty-six~~ sixty-one miles per hour.

7 Sec. 2. Section 321.210C, subsection 3, Code 2011, is  
8 amended to read as follows:

9 3. For purposes of determining a conviction under this  
10 section, the department shall not consider the first two  
11 speeding violations within the probation period that are ten  
12 miles per hour or less over the legal speed limit in speed  
13 zones having a legal speed limit between thirty-four miles per  
14 hour and ~~fifty-six~~ sixty-one miles per hour.

15 Sec. 3. Section 321A.3, subsection 4, Code 2011, is amended  
16 to read as follows:

17 4. The abstract of operating record provided under this  
18 section shall designate which speeding violations occurring  
19 on or after July 1, 1986, but before May 12, 1987, are for  
20 violations of ten miles per hour or less over the legal speed  
21 limit in speed zones that have a legal speed limit greater than  
22 thirty-five miles per hour. For speeding violations occurring  
23 on or after May 12, 1987, the abstract provided under this  
24 section shall designate which speeding violations are for ten  
25 miles per hour or less over the legal speed limit in speed  
26 zones that have a legal speed limit equal to or greater than  
27 thirty-five miles per hour but not greater than ~~fifty-five~~  
28 sixty miles per hour.

29 Sec. 4. Section 516B.3, subsection 1, Code 2011, is amended  
30 to read as follows:

31 1. The commissioner shall require that insurance companies  
32 transacting business in this state not consider speeding  
33 violations occurring on or after July 1, 1986, but before May  
34 12, 1987, which are for speeding violations for ten miles per  
35 hour or less over the legal speed limit in speed zones that

1 have a legal speed limit greater than thirty-five miles per  
2 hour or speeding violations occurring on or after May 12,  
3 1987, which are for speeding violations for ten miles per  
4 hour or less over the legal speed limit in speed zones that  
5 have a legal speed limit equal to or greater than thirty-five  
6 miles per hour but not greater than ~~fifty-five~~ sixty miles  
7 per hour for the purpose of establishing rates for motor  
8 vehicle insurance charged by the insurer and shall require that  
9 insurance companies not cancel or refuse to renew any such  
10 policy for such violations. In any twelve-month period, this  
11 section applies only to the first two such violations which  
12 occur.

13 Sec. 5. APPLICABILITY. This Act applies for speeding  
14 violations occurring on or after July 1, 2011. On and after  
15 July 1, 2011, the speed zones specified in section 321.210,  
16 subsection 2, paragraph "d", Code 2011; section 321.210C,  
17 subsection 3, Code 2011; section 321A.3, subsection 4, Code  
18 2011; and section 516B.3, subsection 1, Code 2011, shall  
19 continue to apply for purposes of considering violations  
20 committed prior to July 1, 2011.

21 EXPLANATION

22 Under current law, for purposes of driver's license  
23 suspension or revocation, or when revoking a driver's license  
24 for violations committed during a license probation period,  
25 the department of transportation is required to disregard the  
26 first two speeding violations within a 12-month period of 10  
27 miles per hour or less over the speed limit in speed zones with  
28 a speed limit between 34 and 56 miles per hour. This bill  
29 extends the range of that exclusion to include speed limits  
30 between 34 miles per hour and 61 miles per hour.

31 Pursuant to current law, for purposes of establishing motor  
32 vehicle insurance rates or deciding to cancel or refuse to  
33 renew a motor vehicle insurance policy, an insurance company  
34 must disregard the first two speeding violations of 10 miles  
35 per hour or less over the speed limit in speed zones with a

1 speed limit equal to or greater than 35 miles per hour but not  
2 greater than 55 miles per hour. The bill increases the upper  
3 limit of that exclusion to not greater than 60 miles per hour.  
4 The bill makes a conforming change to motor vehicle financial  
5 responsibility provisions by providing that the abstract of  
6 the operating record of a driver, which is made available to  
7 insurers, must designate which speeding violations are for 10  
8 miles per hour or less over the limit in speed zones with a  
9 speed limit equal to or greater than 35 miles per hour but not  
10 greater than 60 miles per hour.

11 The bill applies for speeding violations occurring on or  
12 after July 1, 2011. Violations occurring prior to July 1,  
13 2011, will be treated according to the law as it existed  
14 when those violations occurred, regardless of the date of  
15 conviction.